

VILLAGE OF PALMYRA BOARD OF TRUSTEES

Regular Meeting

10/7/91

7:00 p.m.

Present: James G. Elliott, Mayor; Trustees Charles D. Gilmore, Daniel S. Pope III, Daniel E. Wooden & Thomas N. Lynch; and Village Attorney, John B. Nesbitt, Esq.

Call to

Order: Mayor Elliott called the meeting to order @ 7:15 p.m.

**Metro-
Matic:**

Mr. Jim Nelson, representing Metro-Matic (Metropolitan Ins. Co.) - a program designed for employees re financial services (IRA's and discount insurance) through payroll deduction - approached the VB. Voluntary program, Mr. Nelson said and named other municipalities who participate - if employees leave the VOP's employ could take the program with them. Metropolitan would enroll interested parties and administer the program....would leave the packet for perusal by the Bd. - he said if only three (3) people participate would do deductions for them (Employer's Agreement)...each month single list bill wld. arrive - slot could be added to current computer program...Bd. to ask Trustee Pope (who was unavoidably detained) to review. Mr. Nelson departed.

**Noise
Ord.:**

Mr. Mike Ogren, 113 Fayette St., approached the VB re an exceeding amount of noise emanating from "Stubby's" - a restaurant/tavern adjacent to his home. In essence, Mr. Ogren said when "Sports Bar" planned couple yrs. ago he had discussed potential noise with the owner...in actuality it is now a "disco"...he objected particularly to noise (loud music) on late Thursday nights due to Friday being a work-day for he and his wife....Friday/Saturday nights not as bad...he said worse with open windows...why cld. speakers not be turned different direction...

Mr. Ogren said he obtained copy of VOP's "Noise Ordinance" and quoted section which refers to "obtrusive to the sleeping quarters of the people in the VOP....excessive..." - had talked to P.D. and they spoke of quantity/decibel level...discussion on difficulty of locating a decibel meter....and P.D.'s inability to enforce....Mayor Elliott spoke of adoption of the Ordinances (old/new) - and the trend @ the time of adoption...VB should, perhaps, review the Ord. (Clerk to provide the VB with copies of "Noise Ords.") Trustee Gilmore suggested that P.D. officers stop and make an occasional check...the VB look at local law... and a word to M. Crane to turn speakers around...Trustee Wooden said he would speak to M. Crane about the problem. In any event, the VB pledged to look into the matter.

Minutes:

Mayor Elliott moved that the 9/3/91 VB Mtg. Minutes be tabled; Trustee Wooden seconded. Voting "aye" were Mayor Elliott & Trustees Wooden, Gilmore & Lynch - carried; the Mayor moved tabling of the 9/16/91 VB Mtg. Minutes - voting "aye" were Mayor Elliott & Trustees Wooden, Gilmore & Lynch - motion carried to table the 9/16/91 Minutes as moved by Mayor Elliott - seconded by Trustee Gilmore. Voting was unanimously in favor/carried; Trustee Wooden moved that the brief Minutes of Spec. Mtgs. held on 9/20 & 9/23/91 for reasons of "Personnel" be accepted as written - Mayor Elliott seconded. Voting was unanimously in favor/carried. (The foregoing action by the VB does not reflect voting by Trustee Pope due to his arrival shortly thereafter).

Trees:

Trustee Lynch referred to a letter (including pictures) received from Mr. Floyd Potter of Birdsall Pkwy. regarding "trees" - Mr. Potter anticipating (hoping) that both trees would be saved....C&P Supt. unsure...a possibility...reasonable estimate for value and/or replacement...Mr. Lynch said that the VOP could offer normal-size replacement of trees....or refer to the VOP's ins. co. Mayor said that an accumulation of 'matters' in the soil could have accumulated which wld. kill tree roots....if still in soil, replacement tree wld. die, also. Mayor read frm. report... "soil where water affluent stood was found to contain sodium in levels high enough to kill Maple roots...also hydro-carbons have been deposited around the roots"....concentrations still there...determination by the VB to refer to ins. co. Offer to be extended to Mr. Potter re tree replacement.

Dumping -Tremont:

Trustee Lynch spoke of complaint re 'dumping' brush, limbs, etc. @ end of Tremont St. "No dumping" sign to be placed there...complainant has suspect in mind but no proof (in addition to previous complaint of dumping cardboard in same area)...discussion on sending letters to citizens in the area (portion of W. Main St.) re "no dumping allowed" and consequences thereof.

Hwy.Dept.:

Trustee Lynch spoke of bid preparation re cab for Hwy. truck, Perm. Ref. having been published and posted for proper time...work to continue re specs.

Culvert -Prospect:

Paperwork to resume on placement of culvert on Prosp. Dr. for which a Perm. Ref. was published and posted, per Mr. Lynch.

Peddler'sPermit:

Trustee Lynch spoke of law in effect governing vendors (Peddler's Permit Law), and having distributed copies of copy of law obtained from Watertown, N.Y. Having received a copy, Atty. Nesbitt said a good law - addresses some concerns heretofore undeclared by the VOP. Mayor Elliott said a possibility not to issue a permit until the VOP is furnished a sales tax certificate...Trustee Gilmore said another way would be for the T-I-C in charge of Zng. & Planning authorize the permit....Trustee Wooden, referring to No. 1, said a problem he could foresee was that it did not distinguish between someone holding a garage sale....what happens re Canaltown Days? Question asked about sidewalk sales during Mormon Pageant... Mr. Lynch said he asked Clerk in Watertown - would not affect, she said and she would be happy to review with VB. Mr. Wooden said the State does consider a garage sale a 'retail business' over a certain amount of money....so many per year/monthly basis, expressed by the Mayor...should be addressed now, per Mr. Wooden. Mr. Gilmore said residents should not have a permanent garage sale...Mr. Wooden suggested that the Chamber should have some input...also Planning Bd. Determination by VB to refer to Chamber/Planning Bd. Clerk to copy the foregoing as discussed.

SnowOrd.:

Trustee Lynch brought to the VB's attention that it is time to advertise the VOP's "Snow Ordinance," adding - as last year - "24-hr. Parking Limit in Village Parking Lots Will Be Strictly Enforced"...signs placed @ approaches to VOP (east/west) to be checked to ensure dates of a given year appear re "No Parking" (11/1/91 to 4/1/92) - and hours of 2:00 a.m. to 7:00 a.m. appear also. VB determined that a notice should be placed in newspaper re last date(s) of chipping.

F.D.App.:

Trustee Gilmore submitted the application of Mr. Wesley Mills, 208 1/2 E. Main St., for F.D.

membership - ambulance only - for approval by the VB and so moved acceptance pending the successful completion of a physical exam. by the Village physician. Trustee Pope seconded. Atty. Nesbitt commented that the F.D. may employ whomever they desire - VB may sanction. Voting was unanimously in favor/carried.

Sludge:

Speaking of sludge/hauling, Trustee Wooden said that VOP was paying \$85.-\$87 per ton to take to Seneca Falls (does not include cost of truck and employee) - would have taken VOP approx. eleven (11) trips. New hauler more than anticipated (sludge sat for over a year)...longer sludge sits drier (lighter) it gets...\$55.50 tipping fee (cost to take to landfill).. \$600. to haul it...he went on to explain the process.. VOP has taken two (2) loads...has to be level wth. truck and leveled off...covered...all charge by the ton...Trustee Wooden said the Voucher for \$350. for a permit to haul sludge would be retained to check with W&WW Supt. H. Kruger to determine if the VOP required to have said permit. Mr. Wooden said to cost VOP approx. \$3200. just for analyzing.

Records Management Workshop:

Mayor Elliott reported that he and Treas. attended workshop @ Hopewell...re grants for those who have them...or interested in obtaining them...new State law mandates that all records' officers attend schooling for training...explanation of grant-filing explained very well...prerequisite - have an active inventory of paperwork (in files) - in cellar, on second floor, etc. in VOP's case. Person would come and assist with estimate - and guide with write-up... if successful (75% success rate)...would pay for someone to come in, categorize...inventory...may include metal shelving for storage and file (cabinet)...once accomplished in logical sequence, may move to other grants (such as microfilming)...everyone must have a fire-proof storage area (VOP does not have)...if damp area, grant may pay for dehumidifier...construction low on priority list...VOP should look toward applying (recommendation of Mayor)...applications must be in Albany by 2/23/92...ample time...pay 50% of grant @ beginning...VOP submits paperwork for reimbursement...catches up...VOP may be fronting money for a month or so....

Treas. distributed material to the VB re "Procurement Guidelines"...Treas./Vill. Atty. to meet...VB must adopt formal document for bidding requirements for items/equipment not listed 'under State Bid'...not covered by \$10,000./\$20,000. (first of yr.) - VOP must get in place...

Chiefs' Seminar -

Mayor Elliott brought to VB's attention the desire of Chief Dalton to attend Chiefs' seminar at various places in NYS...he would be sharing room with Macedon's Chief, Mr. Ellis (no charge for seminar). Syracuse seminar filled; Niagara Falls next closest place...Mayor so moved that the VB authorize; Trustee Gilmore seconded for discussion. Trustees generally felt commuting to Buffalo (Niagara Falls) possible...Trustee Pope said that many businessmen do so every day...in checking date received (9/17/91), Trustee Gilmore said time enough to enroll (i.e. Syracuse)...Mr. Gilmore asked about Officers receiving training...put in budget, per Mr. Lynch... Mayor said "Radar" & "Breathalyzer" training needed by some...Mr. Lynch wanted to know what was "mandatory" and for what VOP had to put \$750. back in dept. budget...recertification, per Trustee Pope.

Mayor's motion for Chief Dalton to attend a seminar stood except for amendment presented by Mr. Gilmore that attendance would be in Niagara Falls. Mayor Elliott accepted the amendment...Trustee Gilmore re-seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore, Pope & Wooden (Clerk did not register a vote by Trustee Lynch who had been called out of room for telephone call)....carried by majority.

Relevy '91-'92 Taxes:

Mayor Elliott moved that the VOP relevy taxes which remain unpaid as of the legal State limit and that the executed forms be submitted to WC; Trustee Pope seconded. Voting was unanimously in favor/carried.

Retirement - Village Clerk:

Mayor Elliott acknowledged receipt and moved VB acceptance of the retirement-resignation of Village Clerk, Ethel B. Johnson, effective 10/29/91 - adding 'with regret and thanks for her years of service.' Trustee Pope seconded. Voting "aye" were Mayor Elliott and Trustees Pope, Wooden & Lynch; Trustee Gilmore voted "Nay." Carried by majority.

Annual NYCOM Legislative Meeting:

The Mayor brought to the Bd.'s attention the announcement of the Fall NYCOM Legislative Meeting @ the Desmond Americana Hotel in Albany on 11/18/91. An important meeting, he said, as it is the time when NYCOM makes up the agenda for what they will be lobbying for in State Legislature. It was pointed out that 11/18/91 a VB mtg. night. Trustee Pope moved that authorization be granted for attendance by any VB member and Vill. Atty. Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Abstract

#10:

Trustee Pope moved that the Treas. be authorized to pay Voucher Nos. 377 & 378-436 in the amount of \$32,730.59 (less V#411 in amount of \$350.) on which appears the initials of @ least three (3) VB members. Mayor Elliott seconded. Voting was unanimously in favor/carried.

Violation:

Trustee Gilmore spoke of construction without a permit @ a residence on E. Main St. Atty. Nesbitt said, according to a report rec'd from CEO J. Roney, there seemed to be 'an obvious violation'....he recommended that a "Cease & Desist Order" be issued by CEO...if not brought into compliance than legal action be taken. Apt. occupied and concern for fate of occupants if Mr. Jacobs cited. CEO Roney explained the process he would follow in the matter and cited Code sections (re violations). He began project then Mr. Jacobs was away for awhile. Review made of prior approvals and disapprovals for previous construction. Trustee Wooden spoke of his concern if tenants moved out...drywall removed, etc. and Mr. Jacobs found to be in compliance - then what? Atty. Nesbitt said that Mr. Jacobs must go through application process and a CofO.

Employees' Time Off/Scheduling -

Trustee Lynch spoke of the 'scheduling board' - which contains names of all employees - in the Village Office to be used for the purpose of recording when department heads, etc. are away. Mr. Lynch moved that it be required - and made a rule - for all dept. hds. to report when attending a conference or business meeting, vacations, leaving the VOP and the person left in charge, approx. time of return, etc. Included in Mr. Lynch's motion was that the P.D. submit their work schedule to the Office so that it would be known if someone on duty and whom; Trustee Wooden seconded. Mr. J. Roney spoke of inspections, etc. required in his position as CEO - and could motion be amended to

read "full-time" employees, Mr. Roney being "part-time". Trustee Lynch accepted said amendment; Trustee Wooden re-seconded. Voting "aye" were Trustees Lynch, Wooden, Gilmore & Pope. Carried. No vote was recorded by the Clerk for the Mayor.

Drainage: Mayor Elliott said he had received no word from Mr. J. C. Smith of WC re the proposed work on "the pond" @ Mr. S. Venturino's residence on Johnson Rd. (re pipe sizing, elevations, etc.). Mr. R. Lape spoke of bad weather approaching and asked about the clients from Butler Shock Incarceration and when they would begin cleaning out drainage ditch. Mayor said new permission slips must be obtained for 'other' ditch (west one)...Mr. Lape spoke of a retainer wall and how water can't be stopped...Mayor talked of placing tiles in yard (akin to a catch basin in streets)...low spot...top would slope, etc. and further described the process...J.C. Smith finishing major project but working on the subject drainage problem...he said WC comes through once a year to clean ditches (in agricultural district)...Mr. Lape said that Mr. Clark went to expense of tiling and didn't blame him for his concern - he said "Chuck" McGuire grew up there and knows area better than anyone...Mr. Lape wondered if problem would be solved by a year hence....discussion discontinued.

Fee Schedule:

The fee schedule, which hikes various fees currently charged by the VOP, was brought before the VB by Trustee Gilmore - the Bd. having rec'd copies of the draft for same. Mayor Elliott asked a fair fee for building a new house...Mr. Roney said his suggestion was \$.12 sq. ft. for first 1500 sq. ft. + \$40. (\$172.) - more equitable...over and above 1500 sq. ft., drop to \$07. per sq. ft. Trustee Gilmore said he wanted to categorize new permit, additions/alterations together; his suggestions were discussed. Mr. Gilmore said part of costs paying for CEO's services (as it should be). Trustee Wooden, also, gave suggestions (from his experience as the VOP Bldg./Zng. Officer for few years). CEO J. Roney gave several suggestions and the VB discussed the changes (which included garages) but did not arrive at a decision, therefore, Trustee Gilmore moved tabling until next meeting. It was pointed out by Trustee Wooden that the VB may adopt rules/reg. re fees at any time (Local Law previously processed)...Mayor Elliott said the resolution could be effective immediately. Trustee Wooden seconded. Mayor said no formal vote needed in this instance - VB to take up @ next meeting.

Misc.: Mayor re-announced that bid opening re W&WW pumps & motors to occur @ 3:00 p.m., 10/18/91; Union negotiations meeting (with Mediator, Union/CSEA reps.) @ 4:30 p.m. 10/8/91; and Pal-Mac Homecoming Parade @ 11:00 a.m., Sat., 10/12/91.

Blue Cross/Blue Shield:

Treas. supplied the VB with information re Blue Cross/Blue Shield - Mayor said his belief that the VOP to select an option. Trustee Pope spoke on benefits of B.C./B.S. and that they provide good coverage - and as for cost, most reasonable in NYS (Rochester - of all the States)....deadline date of 9/13/91 in any event, he said. No further discussion.

Exec.

Sess.:

At 9:10 p.m. Mayor Elliott moved that the VB exercise Exec. Sess. for matters of "Personnel." Trustee Pope seconded. Voting was unanimously in favor/carried.

Reconvene: At 10:05 p.m. the VB emerged from Exec. Sess. as moved by Trustee Pope; seconded by Trustee Wooden. Voting was unanimously in favor/carried.

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Adjourn-
ment:

Immediately following reconvening by the VB, Trustee Pope moved adjournment - seconded by Trustee Wooden. Voting was unanimously in favor/carried.

Ethel B. Johnson, Clerk